

HOUSE BILL 2551

State of Washington 60th Legislature 2008 Regular Session

By Representatives Dickerson, Appleton, McCoy, Roberts, Kenney, and Kagi

Prefiled 01/08/08. Read first time 01/14/08. Referred to Committee on Human Services.

1 AN ACT Relating to expanding the types of treatment programs
2 provided under the suspended disposition alternative for juveniles; and
3 amending RCW 13.40.0357.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 Sec. 1. RCW 13.40.0357 and 2007 c 199 s 11 are each amended to
6 read as follows:

DESCRIPTION AND OFFENSE CATEGORY

Table with columns: JUVENILE DISPOSITION, CATEGORY FOR, ATTEMPT, BAILJUMP, CONSPIRACY, OR, SOLICITATION. Includes a dotted line separator.

Arson and Malicious Mischief

A Arson 1 (9A.48.020) B+

1	B	Arson 2 (9A.48.030)	C
2	C	Reckless Burning 1 (9A.48.040)	D
3	D	Reckless Burning 2 (9A.48.050)	E
4	B	Malicious Mischief 1 (9A.48.070)	C
5	C	Malicious Mischief 2 (9A.48.080)	D
6	D	Malicious Mischief 3 (9A.48.090(2) (a) and	
7		(c))	E
8	E	Malicious Mischief 3 (9A.48.090(2)(b))	E
9	E	Tampering with Fire Alarm Apparatus	
10		(9.40.100)	E
11	E	Tampering with Fire Alarm Apparatus with	
12		Intent to Commit Arson (9.40.105)	E
13	A	Possession of Incendiary Device (9.40.120)	B+
14		Assault and Other Crimes Involving	
15		Physical Harm	
16	A	Assault 1 (9A.36.011)	B+
17	B+	Assault 2 (9A.36.021)	C+
18	C+	Assault 3 (9A.36.031)	D+
19	D+	Assault 4 (9A.36.041)	E
20	B+	Drive-By Shooting (9A.36.045)	C+
21	D+	Reckless Endangerment (9A.36.050)	E
22	C+	Promoting Suicide Attempt (9A.36.060)	D+
23	D+	Coercion (9A.36.070)	E
24	C+	Custodial Assault (9A.36.100)	D+
25		Burglary and Trespass	
26	B+	Burglary 1 (9A.52.020)	C+
27	B	Residential Burglary (9A.52.025)	C
28	B	Burglary 2 (9A.52.030)	C
29	D	Burglary Tools (Possession of) (9A.52.060)	E
30	D	Criminal Trespass 1 (9A.52.070)	E
31	E	Criminal Trespass 2 (9A.52.080)	E
32	C	Mineral Trespass (78.44.330)	C
33	C	Vehicle Prowling 1 (9A.52.095)	D
34	D	Vehicle Prowling 2 (9A.52.100)	E
35		Drugs	

1	E	Possession/Consumption of Alcohol	
2		(66.44.270)	E
3	C	Illegally Obtaining Legend Drug	
4		(69.41.020)	D
5	C+	Sale, Delivery, Possession of Legend Drug	
6		with Intent to Sell (69.41.030(2)(a))	D+
7	E	Possession of Legend Drug	
8		(69.41.030(2)(b))	E
9	B+	Violation of Uniform Controlled Substances	
10		Act - Narcotic, Methamphetamine, or	
11		Flunitrazepam Sale (69.50.401(2) (a) or	
12		(b))	B+
13	C	Violation of Uniform Controlled Substances	
14		Act - Nonnarcotic Sale (69.50.401(2)(c))	C
15	E	Possession of Marihuana <40 grams	
16		(69.50.4014)	E
17	C	Fraudulently Obtaining Controlled	
18		Substance (69.50.403)	C
19	C+	Sale of Controlled Substance for Profit	
20		(69.50.410)	C+
21	E	Unlawful Inhalation (9.47A.020)	E
22	B	Violation of Uniform Controlled Substances	
23		Act - Narcotic, Methamphetamine, or	
24		Flunitrazepam Counterfeit Substances	
25		(69.50.4011(2) (a) or (b))	B
26	C	Violation of Uniform Controlled Substances	
27		Act - Nonnarcotic Counterfeit Substances	
28		(69.50.4011(2) (c), (d), or (e))	C
29	C	Violation of Uniform Controlled Substances	
30		Act - Possession of a Controlled Substance	
31		(69.50.4013)	C
32	C	Violation of Uniform Controlled Substances	
33		Act - Possession of a Controlled Substance	
34		(69.50.4012)	C
35		Firearms and Weapons	
36	B	Theft of Firearm (9A.56.300)	C
37	B	Possession of Stolen Firearm (9A.56.310)	C

1	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
2			
3	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
4			
5	D+	Possession of Dangerous Weapon (9.41.250)	E
6			
7	D	Intimidating Another Person by use of Weapon (9.41.270)	E
8			
9		Homicide	
10	A+	Murder 1 (9A.32.030)	A
11	A+	Murder 2 (9A.32.050)	B+
12	B+	Manslaughter 1 (9A.32.060)	C+
13	C+	Manslaughter 2 (9A.32.070)	D+
14	B+	Vehicular Homicide (46.61.520)	C+
15		Kidnapping	
16	A	Kidnap 1 (9A.40.020)	B+
17	B+	Kidnap 2 (9A.40.030)	C+
18	C+	Unlawful Imprisonment (9A.40.040)	D+
19		Obstructing Governmental Operation	
20	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
21			
22	E	Resisting Arrest (9A.76.040)	E
23	B	Introducing Contraband 1 (9A.76.140)	C
24	C	Introducing Contraband 2 (9A.76.150)	D
25	E	Introducing Contraband 3 (9A.76.160)	E
26	B+	Intimidating a Public Servant (9A.76.180)	C+
27	B+	Intimidating a Witness (9A.72.110)	C+
28		Public Disturbance	
29	C+	Riot with Weapon (9A.84.010(2)(b))	D+
30	D+	Riot Without Weapon (9A.84.010(2)(a))	E
31	E	Failure to Disperse (9A.84.020)	E
32	E	Disorderly Conduct (9A.84.030)	E
33		Sex Crimes	
34	A	Rape 1 (9A.44.040)	B+
35	A-	Rape 2 (9A.44.050)	B+
36	C+	Rape 3 (9A.44.060)	D+

1	A-	Rape of a Child 1 (9A.44.073)	B+
2	B+	Rape of a Child 2 (9A.44.076)	C+
3	B	Incest 1 (9A.64.020(1))	C
4	C	Incest 2 (9A.64.020(2))	D
5	D+	Indecent Exposure (Victim <14)	
6		(9A.88.010)	E
7	E	Indecent Exposure (Victim 14 or over)	
8		(9A.88.010)	E
9	B+	Promoting Prostitution 1 (9A.88.070)	C+
10	C+	Promoting Prostitution 2 (9A.88.080)	D+
11	E	O & A (Prostitution) (9A.88.030)	E
12	B+	Indecent Liberties (9A.44.100)	C+
13	A-	Child Molestation 1 (9A.44.083)	B+
14	B	Child Molestation 2 (9A.44.086)	C+
15		Theft, Robbery, Extortion, and Forgery	
16	B	Theft 1 (9A.56.030)	C
17	C	Theft 2 (9A.56.040)	D
18	D	Theft 3 (9A.56.050)	E
19	B	Theft of Livestock 1 and 2 (9A.56.080 and	
20		9A.56.083)	C
21	C	Forgery (9A.60.020)	D
22	A	Robbery 1 (9A.56.200)	B+
23	B+	Robbery 2 (9A.56.210)	C+
24	B+	Extortion 1 (9A.56.120)	C+
25	C+	Extortion 2 (9A.56.130)	D+
26	C	Identity Theft 1 (9.35.020(2))	D
27	D	Identity Theft 2 (9.35.020(3))	E
28	D	Improperly Obtaining Financial Information	
29		(9.35.010)	E
30	B	Possession of a Stolen Vehicle (9A.56.068)	C
31	B	Possession of Stolen Property 1	
32		(9A.56.150)	C
33	C	Possession of Stolen Property 2	
34		(9A.56.160)	D
35	D	Possession of Stolen Property 3	
36		(9A.56.170)	E

1	B	Taking Motor Vehicle Without Permission	
2		1 (9A.56.070)	C
3	C	Taking Motor Vehicle Without Permission	
4		2 (9A.56.075)	D
5	B	Theft of a Motor Vehicle (9A.56.065)	C
6		Motor Vehicle Related Crimes	
7	E	Driving Without a License (46.20.005)	E
8	B+	Hit and Run - Death (46.52.020(4)(a))	C+
9	C	Hit and Run - Injury (46.52.020(4)(b))	D
10	D	Hit and Run-Attended (46.52.020(5))	E
11	E	Hit and Run-Unattended (46.52.010)	E
12	C	Vehicular Assault (46.61.522)	D
13	C	Attempting to Elude Pursuing Police	
14		Vehicle (46.61.024)	D
15	E	Reckless Driving (46.61.500)	E
16	D	Driving While Under the Influence	
17		(46.61.502 and 46.61.504)	E
18	B+	Felony Driving While Under the Influence	
19		(46.61.502(6))	B
20	B+	Felony Physical Control of a Vehicle While	
21		Under the Influence (46.61.504(6))	B
22		Other	
23	B	Animal Cruelty 1 (16.52.205)	C
24	B	Bomb Threat (9.61.160)	C
25	C	Escape 1 ¹ (9A.76.110)	C
26	C	Escape 2 ¹ (9A.76.120)	C
27	D	Escape 3 (9A.76.130)	E
28	E	Obscene, Harassing, Etc., Phone Calls	
29		(9.61.230)	E
30	A	Other Offense Equivalent to an Adult Class	
31		A Felony	B+
32	B	Other Offense Equivalent to an Adult Class	
33		B Felony	C
34	C	Other Offense Equivalent to an Adult Class	
35		C Felony	D

- 1 D Other Offense Equivalent to an Adult Gross
- 2 Misdemeanor E
- 3 E Other Offense Equivalent to an Adult
- 4 Misdemeanor E
- 5 V Violation of Order of Restitution,
- 6 Community Supervision, or Confinement
- 7 (13.40.200)² V

8 ¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
 9 and the standard range is established as follows:

10 1st escape or attempted escape during 12-month period - 4 weeks
 11 confinement

12 2nd escape or attempted escape during 12-month period - 8 weeks
 13 confinement

14 3rd and subsequent escape or attempted escape during 12-month
 15 period - 12 weeks confinement

16 ²If the court finds that a respondent has violated terms of an order,
 17 it may impose a penalty of up to 30 days of confinement.

18 **JUVENILE SENTENCING STANDARDS**

19 This schedule must be used for juvenile offenders. The court may
 20 select sentencing option A, B, C, D, or RCW 13.40.167.

21 **OPTION A**
 22 **JUVENILE OFFENDER SENTENCING GRID**
 23 **STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS				
A 103 WEEKS TO 129 WEEKS				
A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS
	EXCEPT			
	30-40			
	WEEKS FOR			
	15-17			
	YEAR OLDS			
Current	B+ 15-36	52-65	80-100	103-129

Offense	WEEKS	WEEKS	WEEKS	WEEKS	
Category					
B	LOCAL SANCTIONS (LS)	15-36 WEEKS		52-65 WEEKS	
C+	LS		15-36 WEEKS		
C	LS			15-36 WEEKS	
	Local Sanctions:				
	0 to 30 Days				
D+	LS	0 to 12 Months Community Supervision			
		0 to 150 Hours Community Restitution			
D	LS	\$0 to \$500 Fine			
E	LS				
		0	1	2	
				3	
				4	
				or more	
		PRIOR ADJUDICATIONS			

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

1 (1) If the offender is subject to a standard range disposition
2 involving confinement by the department, the court may impose the
3 standard range and suspend the disposition on condition that the
4 offender comply with one or more local sanctions and any educational or
5 treatment requirement. The treatment programs provided to the offender
6 must be research-based (~~best practice programs as identified by the~~
7 ~~Washington state institute for public policy or the joint legislative~~
8 ~~audit and review committee~~), or if there are no research-based
9 programs available to meet the treatment needs of the juvenile, the
10 treatment programs must be approaches that have the potential to
11 demonstrate positive returns to the state or local government, such as
12 chemical dependency treatment of juveniles.

13 (2) If the offender fails to comply with the suspended disposition,
14 the court may impose sanctions pursuant to RCW 13.40.200 or may revoke
15 the suspended disposition and order the disposition's execution.

16 (3) An offender is ineligible for the suspended disposition option
17 under this section if the offender is:

18 (a) Adjudicated of an A+ offense;

19 (b) Fourteen years of age or older and is adjudicated of one or
20 more of the following offenses:

21 (i) A class A offense, or an attempt, conspiracy, or solicitation
22 to commit a class A offense;

23 (ii) Manslaughter in the first degree (RCW 9A.32.060); or

24 (iii) Assault in the second degree (RCW 9A.36.021), extortion in
25 the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW
26 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential
27 burglary (RCW 9A.52.025), burglary in the second degree (RCW
28 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW
29 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a
30 witness (RCW 9A.72.110), violation of the uniform controlled substances
31 act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070),
32 when the offense includes infliction of bodily harm upon another or
33 when during the commission or immediate withdrawal from the offense the
34 respondent was armed with a deadly weapon;

35 (c) Ordered to serve a disposition for a firearm violation under
36 RCW 13.40.193; or

37 (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

38 OR

